

# SUPPLEMENT.

## L A W S

### OF THE STATE OF MISSISSIPPI.

[PUBLISHED BY AUTHORITY.]

#### CHAPTER VIII.

AN ACT in relation to Public Revenues.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the state tax is hereby fixed at three mills for each of the years 1880 and 1881, including the tax to pay principal and interest on bonds, and boards of supervisors are hereby prohibited from levying taxes, which added to the state tax will exceed twelve dollars and fifty cents on each thousand dollars of taxable property; *Provided*, That to meet any outstanding indebtedness the amount herein provided may exceed, but in no case shall the total tax exceed fifteen dollars on each thousand dollars worth of property; *Provided further*, That the counties of Washington, Bolivar, Adams, Tallahatchie, Panola, Marshall, Wilkinson, Lauderdale and Jefferson, the boards of supervisors may levy taxes, which added to the state tax, will not exceed twenty-one dollars on the thousand dollars in valuation; *Provided further*, That nothing in this act contained shall be so construed as to effect the levy of the tax required to be assessed by section 19 of an act entitled an act to incorporate the Natchez and Jackson Railroad Company, approved July 21st, 1870.

Sec. 2. *Be it further enacted*, That all persons whose land has been forfeited for taxes for the year 1874 or since, may redeem the same by the payment of all taxes due the state since the sale of land, less the damages thereon, provided they pay said taxes in the manner now provided by law on or before the first day of November, A. D. 1880.

Sec. 3. *Be it further enacted*, That all other acts and parts of acts, in conflict with this act, be and the same are hereby repealed, and this act shall be in force from the date of its passage.

Approved March 6, 1880.

#### CHAPTER XII.

AN ACT to ascertain the outstanding indebtedness of the Liquidating Levee District, and for other purposes.

Whereas, It now appears from the books of the liquidating levee commissioners that the indebtedness of said district amounts to about four hundred thousand dollars; and whereas, said district has been paying a tax of five and three cents an acre for about twelve years, to liquidate and pay off said debt; and whereas, under an act of the legislature passed at its session in 1876, a very large amount of the liquidating levee bonds were taken up and cancelled in the purchase and redemption of lands in said district; and whereas, under the decree of the chancery court of Hinds county, in the case of *J. Green, et al., vs. the auditor*, a large amount of said liquidating levee bonds were registered, and under said decree a large amount of said registered bonds were cancelled in redeeming and purchasing lands held under said decree; and whereas, it is now believed that the debt of said liquidating levee district is not nearly so large as it appears to be from said books; and the people of said district are desirous of being informed as to the amount of said debt, still due, therefore:

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That immediately after the passage of this act, the auditor, S. Gwin, and W. L. Hemingway, treasurer, ex-officio liquidating levee commissioners, shall advertise for three months in one paper in the city of Jackson, one in the city of Vicksburg, and one in the city of Memphis, Tennessee, and in each of the counties of said district where a newspaper is printed and published, requiring all persons, who are the holders or owners of any said liquidating levee bonds, whether registered under said decree of the chancery court of Hinds county or not, and all holders or owners of what are known and called "surplusage certificates" to file the same with them on or before the 1st Monday in June, 1880; and said auditor, S. Gwin, and treasurer, W. L. Hemingway, ex-officio liquidating levee commissioners, are hereby required to take up and cancel all such liquidating levee bonds, whether registered or unregistered, and all surplusage certificates, and issue in lieu thereof, new bonds, bearing date, the 7th day of June, 1880, and bearing interest at the same rate, and from the same time as now provided by law, and they shall note on such new bonds so issued the number of the bonds, or surplusage certificates, and whether registered or unregistered, which have been taken up and cancelled and in lieu of which said new bonds have been issued.

Sec. 2. *Be it further enacted*, That from and after the said 7th day of June, 1880, all such liquidating levee bonds registered or unregistered, and all surplusage certificates, which have not been presented and taken up and cancelled as provided in this act, shall be absolutely and forever barred, and shall not be receivable by the auditor of the state, or by any tax collector of said district in payment of said liquidating levee tax, or in the purchase or redemption of lands in said district, and shall not be receivable by the commissioners appointed under said decree of the chancery court of Hinds county in the purchase or redemption of lands under said decree.

Sec. 3. *Be it further enacted*, That from and after the said seventh day of June, 1880, all new bonds issued as provided for in this act may be received in payment of said liquidating levee tax, and in the purchase and redemption of lands in said liquidating levee district as now provided by law; *Provided*, That only such new bonds as are issued in lieu of the said registered bonds shall be received in payment of the purchase and redemption of lands held by the commissioners under said decree of the chancery court of Hinds county.

Sec. 4. *Be it further enacted*, That the

said auditor, S. Gwin, and treasurer, W. L. Hemingway, ex-officio liquidating levee commissioners, shall keep a record in a book to be provided by them for that purpose, of the name of each person, firm or bank, presenting said bonds, or certificates to them for cancellation, and a new issue as herein provided, and of the amount and number of said bond, and certificate, and whether registered or unregistered, the amount and number of the new bond or bonds, which said book shall be at all times open to the inspection of any person desiring to see the same; and immediately after the said seventh day of June, 1880, the amount of said debt ascertained to be due under this act, shall be published by said auditor and treasurer, ex-officio liquidating levee commissioners, in some newspaper printed and published in the city of Jackson.

Sec. 5. *Be it further enacted*, That said new bonds shall be numbered from No. 1 consecutively, and shall be for the same amounts as in each bond taken up and cancelled as herein provided, but after the issuing of said new bonds, the holder or owner thereof may have the same divided into such amounts as he desires, upon surrendering the original and paying for the bonds issued, in lieu thereof, the sum of fifty cents each to said auditor and commissioner, and all such bonds so issued in lieu of said original, shall show upon their face the number and amount of said original bond so surrendered.

Sec. 6. *Be it further enacted*, That for all expenses incurred under this act, by said auditor and treasurer, ex-officio liquidating levee commissioners, they shall be paid out of the tax collected or to be collected, to pay said new bonds, and they shall make out a detailed statement of all such expenses, and including one dollar each for such new bonds as may have been issued, except bonds issued in division and lieu of the original bonds as herein provided; and upon the approval of said statement or account by the governor they may issue and retain one bond for the amount approved as aforesaid, which bond shall bear date as herein provided, and bear interest at five per cent, only from date.

Sec. 7. *Be it further enacted*, That the auditor and treasurer, ex-officio liquidating levee commissioners, shall make a full report of all their acts under this act to the next session of the legislature; and that this act take effect and be in force from and after its passage.

Approved March 6, 1880.

#### CHAPTER XIII.

A JOINT RESOLUTION to provide for an investigation of the books, papers, and vouchers of the Treasurer and Secretary of the Board of Mississippi Levee Commissioners, and for other purposes.

*Resolved by the Legislature of the State of Mississippi*, That the governor be, and he is hereby authorized and empowered to appoint three commissioners, residing in the levee district, composed of the counties of Bolivar, Washington, Sharkey and Issaquena, whose duty it shall be, as soon as practicable, within three months after their appointment, to meet in the city of Greenville, in Washington county, and make a careful, full and thorough examination of the books, vouchers, and papers of said board of Mississippi levee commissioners; and when the commissioners shall have completed said examination, they shall make to the governor a full report of the financial condition of said board of Mississippi levee commissioners, and the commissioners shall also make and transmit a copy of said report to the board of supervisors of the respective counties within said levee district. Said commissioners so appointed by the governor shall report relative to the collections of said board of Mississippi levee commissioners, the condition of the levees, and on other matters appertaining to said board of Mississippi levee commissioners. The expense of publishing said report, as well as all other expenses incident to said investigation, shall be paid by said board of Mississippi levee commissioners.

*Resolved further*, That said commissioners so appointed have power to examine witnesses, and to compel the production of papers and books, and to compel the appearance of witnesses; and that for making said investigation herein provided for, said commissioners shall receive each the sum of five dollars per day, to be paid by the treasurer of said board as soon as their labors are completed, and their receipt shall be a sufficient voucher to said treasurer in his settlement with said board.

*Resolved further*, That said report be laid before the next legislature, by the governor.

*Be it further enacted*, That this resolution take effect from and after its passage.

Approved March 6, 1880.

#### CHAPTER XIV.

AN ACT authorizing the Board of Mississippi Levee Commissioners to use for construction purposes and for payment of its debts, any balance that may remain in their hands of the taxes appropriated by law to the payment of the old debts of said board.

WHEREAS, It is probable that the taxes collected and to be collected during the current year by virtue of sections 2 and 5 of an act entitled, "An Act to incorporate the board of levee commissioners for the counties of Bolivar, Washington and Issaquena, and for other purposes," approved November 27, 1865, and the several amendments thereto, will exceed what is required to pay off and discharge the old debt of said board; therefore:

Sec. 1. *Be it enacted by the Legislature of the State of Mississippi*, That any balance or surplus of the tax collected on cotton and on land, and which is now appropriated by section 2 of an act entitled, "An Act to amend an act entitled an act to incorporate the board of levee commissioners for Bolivar, Washington and Issaquena counties, and for other purposes," approved March 27, 1865," approved April 4, 1872; and by section 4 of an act entitled, "An Act to amend an act entitled an act to incorporate the board of levee commissioners for Bolivar, Washington and Issaquena counties, and for other purposes," approved November 27, 1865," approved January 27, 1877, to the payment of the old debts contracted and liabilities incurred by the board of levee commissioners for the counties of Bolivar, Wash-

ington and Issaquena, which may remain in the hands of said board of Mississippi levee commissioners, on the first day of September, 1880, after paying all of said old debts and liabilities, shall be and become a part of the general fund of said board of Mississippi levee commissioners.

Sec. 2. *Be it further enacted*, That it will be the duty of said board of Mississippi levee commissioners to appropriate forthwith said balance of said taxes so remaining in its hands; first, to the payment of any certificates of indebtedness, or other debts which it may have issued or incurred, and which are outstanding and unsatisfied; and secondly, to the building, repairing and constructing of levees as now provided by law, in regard to taxes collected for that purpose.

Sec. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved March 6th, 1880.

#### CHAPTER XVI.

[CHAPTER IV—New Code.]

AN ACT in relation to Elections.

WHEN AND HOW HELD AND CONDUCTED.

SECTION 1. A general election shall be held in the several counties of this state on the first Tuesday after the first Monday of November, 1881, and biennially thereafter, and shall be concluded in one day.

Sec. 2. At such election in the year 1881, there shall be elected governor, lieutenant-governor, secretary of state, auditor of public accounts, state treasurer, attorney-general, superintendent of public education, senators of the class whose seats are about to be vacated, and members of the house of representatives in the legislature, members of the boards of supervisors, sheriff, coroner, treasurer, assessor, surveyor, justices of the peace and constables, and all other county officers to be elected by the qualified electors, except clerks of the circuit and chancery courts.

Sec. 3. Clerks of the circuit court, clerks of the chancery court, district attorneys, and all of the above named officers, except governor, lieutenant-governor, secretary of state, auditor, state treasurer, attorney-general, and superintendent of public education, shall be elected at the biennial election in the year 1883.

Sec. 4. The governor, lieutenant-governor, secretary of state, auditor of public accounts, state treasurer, attorney-general, superintendent of public education, senators, clerks of the circuit court, clerks of the chancery court, and district attorneys shall be elected every four years, and the other officers shall be elected every two years.

COMMISSIONERS OF ELECTION AND THEIR DUTIES.

Sec. 5. Two months before any general election, and any election of representatives in Congress, and any election of electors of president and vice-president of the United States, the governor and lieutenant-governor, or president of the senate, if the lieutenant-governor is performing the duties of governor, or, if there is no lieutenant-governor, and the Secretary of state, or a majority of such officers, shall appoint in each county of this state commissioners of election, to consist of three competent and suitable men, who shall not all be of the same political party, if such men of different political parties can conveniently be had in the county, and who for good cause may be removed in the same manner as they are appointed. Before acting the said commissioners shall severally take the oath of office prescribed by the constitution, and file it in the office of the chancery clerk of the county, who shall preserve such oaths. While engaged in their duties the said commissioners shall be conservators of the peace, with all the powers and duties of such, in the county in which they are acting. They shall continue in office for one year unless removed, and until successors are appointed.

Sec. 6. On the last Monday of October preceding a general election, and five days before any other, the commissioners of election shall meet at the office of the clerk of the circuit court of the county, and carefully revise the registration books of the county, and the poll books of the several precincts, and shall erase therefrom the names of all persons improperly thereon, or who have died, removed or become disqualified as electors from any cause, and shall register the names of all persons who have duly applied to be registered, and have been illegally denied registration. All complaints of a denial of registration may be made to and be heard and decided by the commissioners of election, who shall cause the books of registration to be corrected, if necessary, so as to show the names of all the qualified electors in the county, and such books shall be *prima facie* evidence of the names and number of the qualified electors in the county.

Sec. 7. The clerk of the circuit court shall attend such commissioners, if so requested, and shall furnish them the books of registration and the poll books, and shall render them all needed assistance of which he is capable, in the performance of their duties in revising the lists of qualified electors.

OF BALLOT BOXES.

Sec. 8. The commissioners of election in each county shall procure, if not already provided, at the expense of the county, which shall be paid by order of the board of supervisors, a sufficient number of ballot boxes, which shall be distributed by them to each election precinct of the county before the time for opening the polls, which boxes shall be secured by good and substantial locks, and if an adjournment shall take place after opening the polls, and before all the votes shall be counted, the box shall be securely closed and locked, so as to prevent the admission of anything into the box during the time of adjournment, and the box shall be kept by one of the inspectors, and the key by another of the inspectors, and the inspector having the box shall carefully keep it, and neither unlock or open it himself, nor permit it to be done, or permit any person to have any access to it during the time of such adjournment.

Sec. 9. After each election the ballot boxes shall be delivered with the keys thereof to the

clerk of the circuit court of the county for preservation, and he shall keep them for future use, and, when called for, deliver them to the commissioners of election.

OFFICERS TO KEEP THE PEACE TO BE APPOINTED.

Sec. 10. The commissioners of election shall appoint by writing under their hands, or the hands of a majority of them, for each precinct an officer to be present during the election to keep the peace and to protect the place of voting, and to arrest all persons creating any disturbance about the voting place, and to prevent improper intrusion upon the place of voting or interference with the conduct of the election, and to enable all qualified electors to have unobstructed access to the polls when others are not voting.

COMMISSIONER OF ELECTION NOT TO BE A CANDIDATE.

Sec. 11. If the commissioners of election shall fail to make such appointment, or if their appointee shall not serve, the inspectors of election may appoint such officer. It shall be the duty of the officer of the precinct appointed as aforesaid to be present at the voting place, and to take such steps as will accomplish the purpose of his appointment and he shall possess full power to do so, and may summon to his aid all persons present at the voting place. A space of thirty feet, in every direction from the polls, shall be kept open and clear of all persons, except two challengers of good conduct and behavior, selected by each party, to detect and challenge illegal voters; and the voters shall approach the polls from one direction, line, or door, or passage, and depart in another, as nearly opposite as convenient.

Sec. 12. When any city or town shall be entitled to separate representation in the legislature the commissioners of election in the county in which it is situated shall prepare for such election, and shall receive and canvass the returns, and declare the result, and transmit it to the secretary of state, and act in all respects as in reference to other elections.

PROVISION FOR FAILURE TO ACT OF COMMISSIONERS OF ELECTION.

Sec. 13. If there shall be no commissioners of election in any county, or if they shall fail to act, the duties prescribed for them shall be performed by the board of supervisors of the county, and in such case the sheriff of the county, or, if he is a candidate, the coroner or some justice of the peace of the county, shall be the returning officer to whom inspectors shall make returns, and who shall perform the duties prescribed for commissioners of election as to such returns, and he shall deliver certificates of election to the persons having the greatest number of votes, as the commissioners of election are required to do.

Sec. 14. No commissioner of election shall be a candidate for any office at an election for which he may have been appointed and with reference to which he has acted as such; and all the votes cast for any such person at any such election shall be illegal and void and shall not be counted.

COMPENSATION OF COMMISSIONERS OF ELECTION.

Sec. 15. The commissioners of election shall each be entitled three dollars for each day not to exceed ten days, for each election, during which they shall be actually employed in the performance of their duties, to be paid out of the county treasury, on the allowance of the board of supervisors.

INSPECTORS OF ELECTION AT EACH PRECINCT.

Sec. 16. Prior to any election the said commissioners of election shall appoint three persons for each election precinct, to be inspectors of the election, who shall not all be of the same political party, if suitable persons of different parties are to had in the election district, and if any person appointed shall fail to attend and serve, the inspectors present, if any, may designate one to fill his place, and if such commissioners of election shall fail to make such appointment, and in case of failure of all of those appointed to attend, any three qualified electors present when the polls should be opened, may act as inspectors.

Sec. 17. The inspectors at each precinct shall appoint two clerks, and inspectors and clerks shall be sworn by any officer present competent to administer oaths, or each may be sworn by any of the others, faithfully to perform their duties at such election according to law.

Sec. 18. The inspectors shall take care that the election is conducted fairly and agreeably to law, and they shall be judges of the qualification of voters, and may examine, on oath, any person offering to vote touching his qualifications as an elector, which oath any of such inspectors may administer.

Sec. 19. All elections by the people of this state shall be by ballot. The poll shall be opened at nine o'clock in the morning, and be kept open until six o'clock in the evening, and no longer; and every person entitled to vote shall deliver to one of the inspectors in the others, a ticket or scroll of paper, on which shall be written or printed the names of the persons for whom he intends to vote, which ticket shall be put into the ballot-box, and at the same time the clerks shall take down on separate lists, the name of every person voting; and when the election shall be closed, the inspectors shall publicly open the box, and number the ballots, at the same time reading aloud the names of the persons voted for, which shall be taken down by said clerks, in the presence of the returning officer and inspectors; and if there should be two or more tickets rolled up together, or if any ticket shall contain the names of more persons for any office than such elector had a right to vote for, such ballot shall not be counted.

Sec. 20. All ballots shall be written or printed with black ink with a space of not less than one-fifth of an inch between each name, on plain white news printing paper, not more than two and one-half nor less than two and one-fourth inches wide, without any device or mark by which one ticket may be known or distinguished from another, except the words at the head of the tickets, but this shall not prohibit the erasure, correction

or insertion of any name by pencil mark, or ink upon the face of the ballot; and a ticket different from that herein prescribed shall not be received or counted.

RETURN TO BE MADE TO COMMISSIONERS OF ELECTION.

Sec. 21. When the result shall have been ascertained by the inspectors, they or one of them, or some fit person designated by them, shall by twelve o'clock noon of the second day after the election, deliver to the commissioners of election, at the court house of the county, a statement of the whole number of votes given for each person, and for what office; and the said commissioners of election shall canvass the returns so made to them, and shall ascertain and declare the result; and shall within ten days after the day of said election deliver a certificate of his election to the person having the greatest number of votes for representative in the legislature, or other county office, board of supervisors, justice of the peace or constable, standing highest on the list, and not elected, shall have an equal number of votes, the election shall be decided by lot fairly and publicly drawn by the commissioners of election, with the aid of two or more respectable freeholders of the county, and a certificate of election shall be given accordingly. The foregoing provisions shall apply to senator, if the county be a senatorial district. The commissioners of election shall, within ten days after the day of the election, transmit to the secretary of state, to be filed in his office, a statement of the whole number of votes given in their county, for each candidate voted for in such county, for any office at such election; provided, that the returns of every election for governor, shall also be made out separately, and sealed up, and transmitted to the seat of government, directed to the secretary of state, and endorsed as the vote for governor, to be delivered by said secretary to the speaker of the house of representatives at the next ensuing session of the legislature.

Sec. 22. The statement of the result of the election at their precinct shall be certified, and signed by the inspectors and clerks, and the poll book, tally lists, list of voters, ballot boxes and ballots shall all be delivered, as above required, to the commissioners of election.

DUTY OF SECRETARY OF STATE.

Sec. 23. The secretary of state, immediately after receiving the returns of any election, not longer than thirty days after such election, shall proceed to sum up the whole number of votes given for each candidate, and to ascertain the person or persons having the greatest number of votes for each office; and shall declare such person or persons to be duly elected, and thereupon all persons chosen to an office at such election, shall be commissioned by the governor. But if it shall appear that two or more candidates for any state office, other than governor, or for any district office where the district is composed of two or more counties, standing highest on the list, and not elected, have an equal number of votes, the election shall be forthwith decided between the candidates so having an equality of votes by lot, fairly and publicly drawn, under the direction of the governor and secretary of state.

THE QUALIFICATIONS OF ELECTORS.

Sec. 24. All male inhabitants of this state, except idiots and insane persons, and Indian and taxed, citizens of the United States of naturalized, twenty-one years old and upward, who have resided in this state six months and in the county one month next preceding the day of election at which said inhabitant offers to vote, and who are duly registered for the election district in which they offer to vote, shall be deemed qualified electors in such district, but no person shall vote at any election who shall have been convicted of any crime a misdemeanor for which the loss of the right of suffrage may be imposed by law.

REGULATIONS TO PRESERVE PEACE AND ORDER AT THE ELECTION.

Sec. 25. All places for retailing intoxicating liquors, by the drink, in the several counties of this state, shall be closed, and no intoxicating liquors permitted to be sold, bartered, given away, or drunk, at any store, tavern, saloon, restaurant, steamboat not running, or wharf boat at a landing, or place of business, between twelve o'clock of the preceding night, and any general or special election; and all persons intoxicated or disorderly persons, disturbing the peace, by noise or violence, in the city, town, or place where the election shall be held, shall be arrested, placed in jail, or otherwise kept in custody (being permitted, while in such custody, to vote,) until the polls shall be duly closed, or until they are entirely sober, quiet, orderly, peaceable, and well behaved; and the inspectors of the election are hereby made conservators of the peace at their districts and precincts; and all such conservators of the peace, sheriffs, and their deputies, and all other officers are authorized to preserve order in and about the place where the election may be held, and to commit to jail, as above indicated, any who may disturb the election, and any and all citizens shall aid said inspectors and other officers in preserving order as aforesaid, and in making arrests when necessary.

Sec. 26. Except as herein provided, election shall, in all cases, other than those of treason, felony, or breach of the peace, be privileged from arrest during their attendance on elections, and going to and returning from the same.

Sec. 27. The failure to distribute to the different voting precincts the poll books containing the names of voters in alphabetical order, or the ballot boxes, provided for, shall not prevent the holding of the election, but in such case the inspectors shall proceed to hold the election without the books and boxes, and shall provide some substitute for such ballot boxes, and conform as nearly as possible to the law in the reception and disposition of tickets.

HOW ELECTIONS MAY BE CONTESTED.

Sec. 28. If it shall appear to the senate or